

**IN THE CLAIMS:**

Please cancel claims 8-16.

Please add new Claims 17-19 as follows:

- sub 2
17. A container having a heat exchange unit therein for heating or cooling food or beverage comprising:
- an outer vessel for containing said food or beverage and having a top and a bottom;
  - said bottom defining an opening therethrough and a flange surrounding said opening and extending away from said bottom and into said container;
  - a valve cup carrying a valve, said valve cup having a wall extending through said opening in said bottom;
  - an elastomeric seal between said flange and said heat exchange unit and between said flange and said valve cup; and
  - means for non-removably affixing said heat exchange unit to said flange including crimping those portions of said valve cup and said heat exchange unit in contact with said flange.
18. A container as defined in claim 17 which further includes a protective cap secured to said valve cup and having a downwardly movable surface for activating said valve.
19. A container as defined in claim 18 wherein said protective cover is snapped in place on said valve cup.

**REMARKS**

The claims appearing in this application were 8-16 each of those claims was rejected as being either anticipated by Chou 4,925,470, Shen 4,656,838 or as being obvious over Shen in view Atchinson et al. 5,214,933. Applicant has canceled all of claims 8-16 and has substituted therefor new claims 17, 18 and 19.

The newly submitted claims define Applicant's container having the heat exchange unit therein, more precisely, and contain limitations not found in any of the references cited by the Examiner taken separately or collectively. Applicant's invention as defined by the claims presently under consideration is an outer vessel to contain the food or beverage having a top and a bottom. The bottom defines an opening therethrough which has a flange surrounding the opening and extending inwardly into the container. A separate valve cup carrying a valve with the valve cup being inserted through the opening, an elastomeric seal is provided between the flange and the heat exchange unit and between the flange and the valve cup with the flange sandwiched between the valve cup and the heat exchange unit. The heat exchange unit is non-removably affixed to the flange by means including crimping those portions of the valve cup and the heat exchange unit in contact with the flange.

Applicant respectfully submits that none of the references disclose a structure as defined by claims 17, 18 and 19 presently submitted herewith.

The patent to Chou, U.S. Patent No. 4,925,470, discloses a container in which the bottom is formed to provide a seat which seat may be disposed internally or externally of the container. A valve is received within the seat however, the valve in each instance is a plate which is punctured by a needle to let the cooling medium contained within the heat exchange unit to be vaporized to exhaust from the cylindrical cooler. The structure of the flange surrounding the opening and extending into the interior of the container which functions as a medium for permanently securing the heat exchange unit and the valve together is clearly not shown in the patent to Chou.

The patent to Shen, U.S. Patent No. 4,656,838, discloses a heat exchange unit 11 which has an outwardly directed lower flange that mates with the bottom of the can with the bottom of the can

functioning as a closure for the heat exchange unit. The heat exchange unit is secured to the can along its bottom by crimping the bottom and the outwardly extending flange of the heat exchange unit. Again, a needle punctures a portion of the bottom of the can at 16 to allow the refrigerant to be dispersed.

Aitchison, U.S. Patent No. 5,214,933, on the other hand teaches a structure including a container 10 which holds the fluid in an upper chamber 12 within which there is secured a refrigerant capsule 30. A cup shaped cap 20 is secured about a reduced diameter portion 17 of the cylindrical side wall 16 of the container 10 in such a manner that the cap may be moved upwardly either by straight vertical movement or rotational movement as described with respect to Figures 2 and 3 so as to cause perforation member 26 to perforate the seating element 30 to release the liquified refrigerant under pressure contained within the refrigerant capsule 30 allowing it to expand in the lower chamber 21 defined between the interior of the cup shape cap 20 and the reduced diameter portion 17 of the container 10. The gas is allowed to vent through the venting pores in the bottom of the cup shape cap 20. It is expressly stated by Aitchison that it is contemplated that the cap portion 20 may be a separate unit for multiple use in association with each separately vented beverage vessel. That is, the cap portion 20 may be disassembled from the beverage can 12 after the refrigerant capsule 30 has been emptied and then attached to such can. Applicant again respectfully submits that the Aitchison structure does not in any way teach or suggest the structure as defined by newly submitted claims 17, 18 and 19.

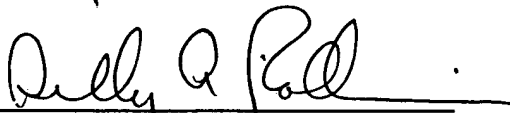
In view of the foregoing Amendments by adding the new claims 17, 18 and 19 and these remarks, Applicant respectfully submits that the self cooling container as defined by newly submitted claims 17, 18 and 19 is patentably distinct over the references of record taken separately or together

and therefore, Applicant respectfully requests the issuance of a Notice of Allowance with respect thereto.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Account No. 50-0337.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Please add new claims 17-19 as follows:

- -17. A container having a heat exchange unit therein for heating or cooling food or beverage comprising:

an outer vessel for containing said food or beverage and having a top and a bottom;

said bottom defining an opening therethrough and a flange surrounding said opening and extending away from said bottom and into said container;

a valve cup carrying a valve, said valve cup having a wall extending through said opening in said bottom;

an elastomeric seal between said flange and said heat exchange unit and between said flange and said valve cup; and

means for non-removably affixing said heat exchange unit to said flange including crimping those portions of said valve cup and said heat exchange unit in contact with said flange.

18. A container as defined in claim 17 which further includes a protective cap secured to said valve cup and having a downwardly movable surface for activating said valve.

19. A container as defined in claim 18 wherein said protective cover is snapped in place on said valve cup.- -